

**REMARKS**

In the Office Action of July 25, 2006, the Examiner has divided the claims into three (3) groups: Group I, claims 1-3, 5, 9, 13-14 and 20, drawn to an isolated protein comprising an amino acid sequence of SEQ ID NO: 2 at its amino terminus and, wherein said protein further comprises an amino acid sequence of SEQ ID NO: 7 and a feed additive containing said protein as an effective ingredient; Group II, claims 6-7 and 15-16, drawn to a gene comprising the polynucleotide with SEQ ID NO: 6 and encoding the protein of SEQ ID NO: 7; and Group III, claims 8, 10-12 and 17-19, drawn to a microorganism belonging to *Citrobacter* species producing said protein of group I and a feed additive containing said microorganism.

Applicants traverse this requirement. Reconsideration and withdrawal thereof are earnestly requested.

Applicants submit that there is not an undue burden placed upon the Examiner to search and consider all of the claims.

The Examiner states that the inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. The Examiner believes that the special technical feature linking the inventions of Group I-III is an isolated protein from *Citrobacter* species having phytase activity. However, the Examiner also believes that Kim et al., (Biotechnol. Letters., 2003, Vol. 25:1231-1234) disclose the isolation and characterization of a phytase with similar physico-chemical and biochemical properties to the protein of the instant invention, comprising the amino acid sequence of SEQ ID NO:2. Finally, the Examiner concludes that the special technical feature linking the inventions of Groups I-III does not

constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art, Kim et al. Applicants respectfully disagree.

The Examiner is respectfully requested to consider the fact that the present application is a 371 national stage application of PCT/KR04/00680, which claims priority to Korean patent application 10-2003-0018573 filed on March 25, 2003. Applicants submit that technically, Kim et al., to which the Examiner refers, was published in August 2003, which is later than the earliest priority date, March 25, 2003, of the present application. Accordingly, in a technical sense, since Kim et al. is not "prior" to the filing of the present application, its citation under PCT Rule 13.2 is not appropriate.

Further, the inventions listed as Groups I-III, which are linked by the special technical feature as indicated by the Examiner, form a single inventive concept. Therefore, all of the inventions listed as Groups I-III should be joined and examined together as a single invention.

However, in order to be responsive to the outstanding Restriction Requirement, Applicants provisionally elect to prosecute Group I, claims 1-3, 5, 9, 13-14 and 20, drawn to an isolated protein comprising an amino acid sequence of SEQ ID NO: 2 at its amino terminus and, wherein said protein further comprises an amino acid sequence of SEQ ID NO: 7 and a feed additive containing said protein as an effective ingredient, for prosecution on the merits, with traverse. Applicants specifically preserve the right to prosecute the non-elected claims.

Accordingly, early examination on the merits is respectfully requested.

The Commissioner is authorized to charge Deposit Account 502486 for any fees due to secure entry of this amendment to the extent necessary.

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Respectfully submitted,

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